



Tim Deters
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Baileyville, KS 66404

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: March 20, 2013

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care and use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. On the above date, APHIS observed the following:

- 1) A black and tan adult male Yorkshire terrier (ID 194) with an accumulation of brown material coating the entire surface of its upper cheek teeth. A creamy white discharge was noted along the gum line, and the gum line had receded;
- 2) A black and tan adult female Yorkshire terrier (Microchip 087 007 581) appeared to be able to bear little to no weight on its left front foot. APHIS observed swollen tissue between two toes; and
- 3) A black and tan adult female Yorkshire terrier (Microchip 102 872 816) with swelling between two toes of its right front foot. The dog also had an accumulation of dark brown material covering its teeth, a creamy white discharge along the gum line, and the gum line appeared to have receded from the upper teeth.

Date of Violation: March 20, 2013

9 C.F.R. § 3.1(a) Housing facilities, general.

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

You failed to maintain housing facilities in good repair to protect animals from injury. On the above date, APHIS observed the



following:

- 1) Metal brackets supporting numerous primary enclosures were rusted and bent, creating an estimated 2" gap between the interior wall and enclosure fencing; and
- 2) Divider fences separating several primary enclosures had separated from the floor leaving an approximate 1-2" gap.

Date of Violation: March 20, 2013

9 C.F.R. § 3.1(c)(2) Housing facilities, general.

(c) Surfaces-(2) Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

You failed to replace housing facility surfaces that cannot be readily cleaned and sanitized. On the above date, APHIS observed the following:

- 1) An exterior fiberglass wallboard in one primary enclosure had an approximately one foot by one foot circular section broken out leaving jagged, sharp edges; and
- 2) An exterior fiberglass wall in a second primary enclosure had approximately a one foot long tear or break in it.

Date of Violation: July 8, 2013

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care and use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. On the above date, APHIS observed the following:

- 1) A black and tan adult male Yorkshire terrier (Microchip 105 804 875) with excessively long toe nails;
- 2) A black and tan adult female Yorkshire terrier (Microchip 073 293 064) with excessively long toenails; and
- 3) A white female Maltese (Microchip 015 848 054) with an accumulation of dark brown material coating the entire surface of the upper cheek teeth. The gum line was reddened, inflamed, swollen, and appeared to have receded from the upper teeth.

Date of Violation: July 8, 2013

9 C.F.R. § 3.1(a) Housing facilities, general.



(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

You failed to maintain housing facilities in good repair to protect animals from injury. On the above date, APHIS observed the following:

- 1) A divider fence between 2 primary enclosures had separated from the floor leaving a 1-2" gap; and
- 2) An approximate 2" X 4" hole on the outside shelter wall.

Date of Violation: July 8, 2013

9 C.F.R. § 3.6(x) Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

You failed to provide primary enclosures that are constructed in a manner that protects dogs' feet and legs from injury and do not allow the dogs' feet and legs to pass through any openings in the floor. On the above date, APHIS observed a mother and two puppies inside an enclosure with a floor made from vinyl coated wire. APHIS observed that one of the puppies' legs was able to pass entirely through the flooring.

The penalty for the alleged violation(s) described above is \$8,143.